

## Chapter 659

### Enforcement of Civil Rights; Fraudulent Employment Practices

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CASE CITATIONS: *Williams v. Joyce*, (1971) 4 Or App 482, 479 P2d 513, Sup Ct review denied.

ATTY. GEN. OPINIONS: Asking whether applicant "regularly attends a house of worship," 1956-58, p 27; constitutionality and relation to federal housing law of 1957 amendment, 1956-58, p 86; duties as to college organizations with exclusionary membership practices, 1960-62, p 14; incorporation of confidential communications into conciliation agreements, 1964-66, p 218; authority of Philippine citizens or corporations to engage in business in Oregon, 1966-68, p 154; recording racial data on Department of Employment records, 1966-68, p 212; residency of Oregon student upon marriage to a nonresident, (1970) Vol 35, p 266.

LAW REVIEW CITATIONS: 44 OLR 123-131.

#### 659.010 to 659.115

##### NOTES OF DECISIONS

This law was not intended to establish a public policy as to relationships other than employer and employe. *United States Nat. Bank v. Snodgrass*, (1954) 202 Or 530, 275 P2d 860.

Commissioner has authority to award compensatory damages under these sections. *Williams v. Joyce*, (1971) 4 Or App 482, 479 P2d 513, Sup Ct review denied.

ATTY. GEN. OPINIONS: Duties of Labor Commissioner with regard to state college living organizations which select membership on basis excluding persons on account of race, religion or national origin, 1960-62, p 7; information on race, religion, color or national origin for personnel records, 1964-66, p 17; duty of Attorney General to prepare charges upon complaint filed by Commissioner of the Bureau of Labor, 1964-66, p 443.

#### 659.010

ATTY. GEN. OPINIONS: School districts as "employers" within the meaning of this section, 1948-50, p 278; applicability to occupational training by vocational schools, 1948-50, p 358; inquiries that can be made by employers, 1948-50, p 436; duties and powers of advisory committee, 1952-54, p 54; date of birth inquiry on employment application, 1964-66, p 6.

LAW REVIEW CITATIONS: 32 OLR 177; 38 OLR 57.

#### 659.020

##### NOTES OF DECISIONS

A provision in a will stating that a devisee would forfeit her rights if she married a Catholic before she reached 32 was valid. *United States Nat. Bank v. Snodgrass*, (1954) 202 Or 530, 275 P2d 860.

FURTHER CITATIONS: *Wagner v. Columbia Hosp. Dist.*, (1971) 259 Or 15, 485 P2d 421.

ATTY. GEN. OPINIONS: Denial of admission for occupational training because of race, color, religion or nationality, 1948-50, p 358; information on race, religion, color or national origin for personnel records, 1964-66, p 17; constitutionality of authority to deny a license to a person who is not a citizen, 1964-66, p 106; duty of Attorney General to prepare charges upon complaint filed by Commissioner of the Bureau of Labor, 1964-66, p 443; authority for Philippine citizens or corporations to engage in business in Oregon, 1966-68, p 154; recording racial data on Department of Employment records, 1966-68, p 212; residency of Oregon student upon marriage to a nonresident, (1970) Vol 35, p 266.

#### 659.022

##### NOTES OF DECISIONS

The selection of remedies is a matter of administrative competence so long as the order is related to effectuation of the purposes of the Act and is not oppressive. *Williams v. Joyce*, (1971) 4 Or App 482, 479 P2d 513, Sup Ct review denied.

#### 659.024

ATTY. GEN. OPINIONS: Date of birth inquiry on employment application, 1964-66, p 6; recording racial data on Department of Employment records, 1966-68, p 212.

#### 659.030

CASE CITATIONS: *Wagner v. Columbia Hosp. Dist.*, (1971) 259 Or 15, 485 P2d 421.

ATTY. GEN. OPINIONS: Inquiries that can be made by employers, 1948-50, p 436; Asking whether applicant "regularly attends a house of worship," 1956-58, p 27; information on race, religion, color or national origin for personnel records, 1964-66, p 17; recording racial data on Department of Employment records, 1966-68, p 212; residency of Oregon student upon marriage to a nonresident, (1970) Vol 35, p 266.

LAW REVIEW CITATIONS: 42 OLR 266-271.

#### 659.031

##### NOTES OF DECISIONS

In subsection (1), "business enterprise" means the investment of capital, labor and management for profit. *Williams v. Joyce*, (1971) 4 Or App 482, 479 P2d 513, Sup Ct review denied.

This section was not unconstitutionally vague under U.S. Const., Am. 14. Id.

ATTY. GEN. OPINIONS: Discrimination in publicly-aided housing, 1956-58, p 90.

659.033

NOTES OF DECISIONS

There was ample relevant evidence to support administrative findings of discrimination. *Williams v. Joyce*, (1971) 4 Or App 482, 479 P2d 513, Sup Ct review denied.

FURTHER CITATIONS: *Bell v. Maryland*, (1964) 378 US 226, 284, 84 S Ct 1814, 12 L Ed 2d 822.

ATTY. GEN. OPINIONS: Discrimination in publicly aided housing, 1956-58, pp 86, 90; residency of Oregon student upon marriage to a nonresident, (1970) Vol 35, p 266.

LAW REVIEW CITATIONS: 2 WLJ 446.

659.037

ATTY. GEN. OPINIONS: Duties of Labor Commissioner with regard to state college living organizations which select membership on basis excluding persons on account of race, religion or national origin, 1960-62, p 7; residency of Oregon student upon marriage to a nonresident, (1970) Vol 35, p 266.

659.040

ATTY. GEN. OPINIONS: Duties of Labor Commissioner with regard to state college living organizations which select membership on basis excluding persons on account of race, religion or national origin, 1960-62, p 7; duty of Attorney General to prepare charges upon complaint filed by Commissioner of the Bureau of Labor, 1964-66, p 443.

LAW REVIEW CITATIONS: 42 OLR 266-271.

659.045

ATTY. GEN. OPINIONS: Duties of Labor Commissioner with regard to state college living organizations which select membership on basis excluding persons on account of race, religion or national origin, 1960-62, p 7; duty of Attorney General to prepare charges upon complaint filed by Commissioner of the Bureau of Labor, 1964-66, p 443.

LAW REVIEW CITATIONS: 42 OLR 266-271.

659.050

ATTY. GEN. OPINIONS: Conciliation agreements as public records, 1964-66, p 218.

LAW REVIEW CITATIONS: 42 OLR 266-271.

659.055

LAW REVIEW CITATIONS: 42 OLR 266-271.

659.060

CASE CITATIONS: *Williams v. Joyce*, (1971) 4 Or App 482, 479 P2d 513, Sup Ct review denied.

ATTY. GEN. OPINIONS: Duty of Attorney General to prepare charges upon complaint filed by Commissioner of the Bureau of Labor, 1964-66, p 443.

LAW REVIEW CITATIONS: 42 OLR 266-271.

659.070

ATTY. GEN. OPINIONS: Conciliation agreements as public records, 1964-66, p 218.

LAW REVIEW CITATIONS: 42 OLR 266-271.

659.085

ATTY. GEN. OPINIONS: Conciliation agreements as public records, 1964-66, p 218; duty of Attorney General to prepare charges upon complaint filed by Commissioner of the Bureau of Labor, 1964-66, p 443.

659.100

ATTY. GEN. OPINIONS: Applicability to occupational training by vocational schools, 1948-50, p 358; duties and powers of advisory committee, 1952-54, p 54.

659.103

ATTY. GEN. OPINIONS: Date of birth inquiry on employment application, 1964-66, p 6; information on race, religion, color or national origin for personnel records, 1964-66, p 17.

659.110

ATTY. GEN. OPINIONS: Date of birth inquiry on employment application, 1964-66, p 6; conciliation agreements as public records, 1964-66, p 218.

659.115

ATTY. GEN. OPINIONS: Duties and powers of advisory committee, 1952-54, p 54; unpaid volunteer inspectors, (1970) Vol 35, p 125.

659.210

ATTY. GEN. OPINIONS: Authority of the Commissioner of Labor to require employment agents to state in their advertisements, proposals for employment, etc., that a strike situation exists, 1920-22, p 608.

659.230

NOTES OF DECISIONS

This blacklisting statute is not void for uncertainty nor in violation of the due process and equal protection clauses of the U.S. Const., Am. 14. *Johnson v. Ore. Stevedoring Co.*, (1929) 128 Or 121, 270 P 772.

Intent to injure by preventing future employment is the essence of the offense of "blacklisting." *Id.*

The articles of an employers' association and its handbook stating grounds for discharge of employes, did not show wrongful blacklisting. *Id.*

Exemplary damages could not be recovered from codefendants of a company discharging plaintiff where evidence failed to show they maliciously participated in the blacklisting. *Id.*

Evidence made an issue for jury whether a discharge of an employe by a company, followed by refusal of other members of an association of like employers to hire him, was the result of a prior agreement for blacklisting. *Id.*

659.240

NOTES OF DECISIONS

A boycott may be enjoined under proper showing of conspiracy, but a clear case must be made showing that

damages would be irreparable. *Longshore Printing Co. v. Howell*, (1894) 26 Or 527, 38 P 547, 46 Am St Rep 640, 28 LRA 464.

Where workers quit work because of an order of the executive committee of a union, or in pursuance to a resolution of a union, there was no intimidation within the meaning of this section. *Id.*

Although an indictment should have set forth the acts or words constituting the force, threats, and intimidations, the facts as stated, following the language of this section, did constitute a crime. *State v. Smith*, (1948) 182 Or 497, 188 P2d 998.

An indictment under this section failing to state that the employment was lawful was cured by the presumption that the business and employment were lawful. *Id.*

LAW REVIEW CITATIONS: 35 OLR 226.

659.990

ATTY. GEN. OPINIONS: Applicability to occupational training by vocational schools, 1948-50, p 358.

LAW REVIEW CITATIONS: 35 OLR 226.